

REMARKS

I. STATUS OF THE CLAIMS

Claim 26 is allowed.

Claim 4 is "objected to". New claim 27 is added and corresponds to "objected to" claim 4 written in independent form. Therefore, it is respectfully submitted that claim 27 should clearly be allowable.

In view of the above, it is respectfully submitted that claims 1-27 are currently pending.

* * *

It is respectfully submitted that the status of the claims is somewhat unclear from the outstanding Office Action. For example, Form PTOL-326 of the Office Action indicates that claims 19-24 are allowed. However, item 8 on page 5 of the Office Action indicates that claims 20-24 are "objected to". Moreover, item 7 on page 5 of the Office Action indicates that claim 19 would be allowable if rewritten or amended to overcome the rejection under 35 USC 112, second paragraph. However, claim 19 was not included in the rejection under 35 USC 112, second paragraph. Therefore, the status of claims 19-24 is unclear.

Generally, it appears that claim 19-24 would be allowed if any rejection of claim 19 under 35 USC 112, second paragraph, was overcome. It is respectfully submitted that the comments below with respect to the rejection under 35 USC 112, second paragraph, would overcome any rejection of claim 19. Therefore, it is respectfully submitted that claims 19-24 should be allowed.

In view of the above, it is respectfully requested that the Examiner clarify the status of claims 19-24.

II. OBJECTION TO THE DRAWINGS

The Examiner asserts that "sliding the first and second grippers" and the array being moved by "rotating the first and second grippers" must be shown in the drawings or the features canceled from the claims.

"Sliding" is described, for example, in paragraph [0027] of the specification, with reference to FIG. 2. See also paragraph [0029] of the specification.

Paragraph [0029] also describes "rotating", with reference to FIG. 3.

See also, for example, paragraph [0032] relating to "sliding" and "rotating".

Therefore, the specification refers to the operation of the elements shown in the figures. It is respectfully submitted that such reference to the operation of the elements in the figures is sufficient to meet the requirements of the PTO with respect to disclosure in the drawings.

The statement of the objection in the outstanding Office Action is exactly the same as in the previous Office Action. Therefore, the Examiner has not provided any comments in response to the above arguments to the objection, which were also presented in the Amendment filed April 6, 2005. Accordingly, it is respectfully submitted that the above arguments are sufficient to respond to the objection.

In view of the above, it is respectfully requested that the objection be withdrawn.

III. REJECTION OF CLAIMS 1 AND 2 UNDER 35 USC 112, SECOND PARAGRAPH

The Examiner asserts that there is insufficient structure recited in claims 1 and 2 to support the functionality recited in these claims. The Examiner specifically asserts that the recited language "so that", without any supporting structure to allow for the claimed recitations, render the claim unclear.

However, it is respectfully submitted that the wording of the claims is proper and acceptable. For example, with respect to functional recitations, MPEP 2173.05(g) states: "Functional language does not, in and of itself, render a claim improper".

MPEP 2173.05(g) further states: "A functional limitation is often used in association with an element ... to define a particular capability or purpose that is served by the recited element".

In claims 1 and 2, the language following the phrase "so that" is recited to define a particular capability or purpose that is served by the recited element, in accordance with MPEP 2173.05(g). For example, claim 1 recites first and second gripping members automatically controlled "so that the first and second gripping members mechanically move independently of each other to grip the array between the first and second gripping members and carry the gripped array via gripping force between the first and second gripping members to a different location for processing of the array". The above-quoted language defines the capability or purpose of the recited automatic control of the first and second gripping members. Therefore, it is respectfully submitted that the language in claim 1 clearly satisfies MPEP 2173.05(g).

Further, MPEP 2173.05(g) gives various examples of acceptable language by stating the following:

In a claim that was directed to a kit of component parts capable of being assembled, the Court held that limitations such as "members adapted to be positioned" and "portions ...

being resiliently dilatable whereby said housing may be slidably positioned" serve to precisely define present structural attributes of interrelated component parts of the claimed assembly. *In re Venezia*, 530 F.2d 956, 189 USPQ 149 (CCPA 1976)

It is respectfully submitted that these examples in MPEP 2173.05(g) provide support for the claim language in claims 1 and 2 satisfying 35 USC 112, second paragraph.

In view of the above, it is respectfully requested that the rejection be withdrawn.

IV. REJECTION OF CLAIMS 1, 3-18 AND 25 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY ROGOVEIN (US PATENT NO. 5,425,565)

Claim 1 specifically recites that the first and second gripping members mechanically move "independently" of each other to grip the array between the first and second gripping members. See also claim 18.

Rogovein discloses gripper arms 92 and 102. However, it is respectfully submitted that gripper arms 92 and 102 do not move independently of each other. More specifically, gripper arm 92 is controlled by cylinder 83, and gripper arm 102 is controlled by cylinder 94. Pneumatic cylinder 82 controls both cylinder 83 and cylinder 94 in the exact same manner at the exact same time, thereby causing gripper arms 92 and 102 to be controlled in the exact same manner at the exact same time. Therefore, gripper arms 92 and 102 cannot move separately from each other. See, for example, FIGS. 1 and 8, and the disclosure in column 7, lines 44-57, of Rogovein. See also column 8, lines 2-16; and column 8, lines 46-66, of Rogovein.

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The above arguments were presented in the Amendment filed April 6, 2005. However, in the outstanding Office Action, the Examiner asserts that the arguments are not persuasive. More specifically, in item 9 on pages 5-6 of the outstanding Office Action, the Examiner asserts that the gripper arms 92 and 102 of Rogovein do indeed move independently of each other, as evidenced by elements 83, 84, 93, 111, 104 and 105, and FIGS. 1 and 12, of Rogovein.

Generally, the various elements of Rogovein noted by the Examiner relate to the individual components for controlling the gripper arm 92. For example, rods 83 and 84, pivotal connector 93, slot 104, adjustment rod 105 and threaded stop 111 are used to control gripper arm 92. See, for example, column 7, line 44, through column 8, line 66, of Rogovein.

As can be seen from FIG. 1, an identical structure is used to control gripper arm 102.

Generally, the above-described elements for controlling gripper arm 92 are controlled by

cylinder 83. The elements for controlling gripper arm 102 are controlled by cylinder 94. Pneumatic cylinder 82 controls BOTH cylinder 83 and cylinder 94 in the exact same manner at the exact same time, thereby causing gripper arms 92 and 102 to be controlled in the exact same manner at the exact same time. Therefore, gripper arms 92 and 102 cannot move separately from each other. See, for example, FIGS. 1 and 8, and the disclosure in column 7, lines 44-57, of Rogovein. See also column 8, lines 2-16; and column 8, lines 46-66, of Rogovein.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 1 AND 2 UNDER 35 USC 102(B) AS BEING
ANTICIPATED BY KOEHLER (US PATENT NO. 6,182,814)

Claim 1 recites that the first and second gripping members carry the gripped array via gripping force between the first and second gripping members. See, for example, paragraphs [0030], [0036] and [0044] of the specification.

In Koehler, a stop finger 70 is inserted before each slug of items to partition slugs and to prevent slugs from moving too fast. A pushing finger 80 is inserted after each slug to push the slug. See, for example column 1, lines 41-54, of Koehler. However, the fingers of Koehler do not carry a slug via gripping force between the fingers.

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The above arguments were presented in the Amendment filed April 6, 2005. However, in the outstanding Office Action, the Examiner asserts that the arguments are not persuasive. More specifically, in item 9 on pages 5-6 of the outstanding Office Action, the Examiner notes that in Koehler the stop finger 70 stops slugs from moving too fast, and the push finger 80 pushes the slug. Therefore, the Examiner appears to assert that the stopping by stop finger 70 and the pushing by push finger 80 together acts to provide a gripping force between the stop finger 70 and the push finger 80.

However, it should be noted that claim 1 specifically recites that the first and second gripping members "carry" the gripped array via gripping force between the first and second gripping members. In comparison, the stop finger 70 and the push finger 80 of Koehler together cause the slugs to slide along the surface of the conveyor. See, for example, FIG. 1 of Koehler. It is respectfully submitted that the stop finger 70 and push finger 80 of Koehler do not cause the slugs to be "carried", and do not provide sufficient gripping force to allow the slugs to be carried.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. REJECTION OF CLAIMS 1, 3-17 AND 25 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY CONVEY (US PATENT NO. 5,598,381)

Convey discloses a clamping mechanism 30 having a bottom block 41 and a top block 39. The movement of both top block 39 and bottom block 41 is controlled by actuated cylinder 44. See, for example, column 3, lines 50-59; and actuated cylinder 44 in FIG. 3, of Convey.

Therefore, generally, top block 39 and bottom block 41 of Convey cannot move separately, or independently, from each other.

However, top clamp members 46a and 46b of top block 39 move independently of each other in applying pressure to a stack. See, for example, column 4, lines 29-31, of Convey. Therefore, movement of top clamp members 46a and 46b might be independent of movement of the bottom block 41.

To further distinguish over Convey, claim 1 is amended to recite that the array of packets extends along a length of the stacking conveyor, and that the first and second gripping members move independently of each other along the entire length of the stacking conveyor. See, for example, paragraph [0021] of the present application. Similar amendments are made to claims 18 and 25.

In Convey, clamp members 46a and 46b only move a small distance. Moreover, top block 39 and bottom block 41 do not move along an entire length of a stacking conveyor as recited, for example, in claim 1.

* * *

In addition, it is respectfully submitted that the above-described amendments further distinguish over Rogovein and Koehler.

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In view of the above, it is respectfully submitted that the rejection is overcome.

VII. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

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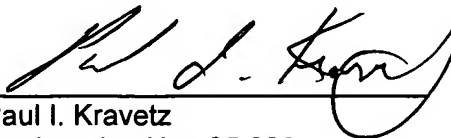
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If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,

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